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5 **UNITED STATES DISTRICT COURT**

6 **DISTRICT OF NEVADA**

7 THOMAS L. WILLIAMS
8 (aka MALIK ALI EL-BEY),

Case No.: 3:19-cv-00715-MMD-WGC

9 Plaintiff,

Order

10 v.

11 STATE OF NEVADA, et al.,

12 Defendants.

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14 Plaintiff is an inmate in the Washoe County Detention Facility who filed his civil rights
15 complaint pursuant to 42 U.S.C. § 1983 on December 2, 2019. (ECF No. 1-1.) The Local Rules of
16 Practice for the District of Nevada provide: “Any person who is unable to prepay the fees in a civil
17 case may apply to the court for authority to proceed *in forma pauperis* (IFP). The application must
18 be made on the form provided by the court and must include a financial affidavit disclosing the
19 applicant’s income, assets, and liabilities.” LSR 1-1. When a prisoner seeks to proceed without
20 prepaying the filing fee, in addition to filing the affidavit, the prisoner is required to submit a
21 certified copy of the trust fund account statement (or institutional equivalent) for the six-month
22 period immediately preceding the filing of the complaint. The statement must be obtained from
23 the appropriate official at the prison or detention facility where the prisoner is or was confined. 28
U.S.C. § 1915(a)(2).

1 When a prisoner brings a civil action IFP, the prisoner is still required to pay the full amount
2 of the filing fee. The court is required to assess, and when funds exist, collect an initial partial
3 payment of 20 percent of the greater of: (A) the average monthly deposits in the prisoner's account
4 or (B) the average monthly balance in the prisoner's account for the six-month period immediately
5 preceding the filing of the complaint. Thereafter, whenever the prisoner's account exceeds \$10,
6 the prisoner must make monthly payments of 20 percent of the preceding month's income credited
7 to the prisoners account until the filing fees are paid. The funds are to be forwarded by the agency
8 having custody of the prisoner. 28 U.S.C. § 1915(b)(1), (2).

9 The regular filing fee is \$400, consisting of the \$350 filing fee and a \$50 administrative
10 fee. If an inmate does not qualify for IFP status, he must pay the full \$400 filing fee. If the inmate
11 qualifies for IFP status, the \$50 administrative fee is waived, and the inmate will only pay the \$350
12 filing fee over time.

13 The Clerk shall **SEND** Plaintiff a copy of the instructions and application to proceed IFP
14 for an inmate. Plaintiff has **30 days** from the date of this Order to either file his completed IFP
15 application and financial certificate or pay the full \$400 filing fee.

16 Once Plaintiff has filed his completed IFP application and financial certificate or paid the
17 filing fee, the court will screen the complaint pursuant to 28 U.S.C. § 1915(e)(2)(B) or 28 U.S.C.
18 § 1915A, or both. Both require dismissal of a complaint, or any portion thereof, that is frivolous
19 or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief
20 against a defendant who is immune from such relief. If the complaint is dismissed on screening,
21 there will be no refund of the filing fee, and an inmate proceeding IFP is still required to pay the
22 \$350 filing fee over time.

1 If Plaintiff fails to timely file a completed IFP application and financial certificate or pay
2 the filing fee, this action will be dismissed.

3 **IT IS SO ORDERED.**

4 Dated: December 13, 2019.

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6 William G. Cobb
7 United States Magistrate Judge
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